

FILED  
JAMES BONINI  
CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

08 JAN 30 PM 12:22

JAMES LAMPKIN,  
Petitioner,

CASE NO: 1-02-042  
ck

Jugde S. Arthur Spiegel

v.

UNITED STATES OF AMERICA,  
Respondent.

**Motion to Modify imposed term of imprisonment  
Pursuant to Title 18 U.S.C. 3582(c)(2)**

NOW COMES, James Lampkin pro-se, and prays this Honorable Court will grant his Title 18 U.S.C. §3582(c)(2) motion and reduce his term of imprisonment now that the United States Sentencing Commission (U.S.S.C) has adopted amendment 706 to the United States Sentencing Guidelines (U.S.S.G) on November 1, 2007 and made retroactive on December 11, 2007.

Title 18 U.S.C. §3583(c)(2) states that in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been loweed by the Sentencing Commission pursuant to 28 U.S.C. §994(o), upon motion of the defendant or the Director of the Bureau of Prison or on its own motion, the court may reduce the term of imprisonment, after

ECF-47

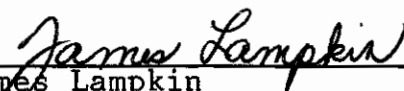
considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

On October 29, 2002 Petitioner was sentenced for Title 21 U.S.C. §841, Distribution of five grams or more of Cocaine Base. Petitioner was given a base offense level of 23 with a criminal history score of 5 for distribution of 9 grams of Cocaine Base. His sentencing range was set at 84-105 months and Petitioner was sentenced to 105 months with a 4 year term of supervised release. Under the November 1, 2007 guideline, section 2D1.1(c)(8) is amended by striking "At least 4 grams but less than 5 grams of Cocaine Base" and inserting "At least 5 grams but less than 20 grams of Cocaine Base". Using this new amendment, Petitioner would receive a base offense level of 21 with the same criminal history score of 5 for 9 grams of Cocaine Base, which would place him in a sentencing range of 70-87 months. Petitioner received a Mandatory Minimum sentence of 60 months for possessing five or more grams of Cocaine Base. Petitioner could now be sentenced to at least 87 months.

WHEREFORE, Petitioner prays this Honorable Court will grant his Title 18 U.S.C. §3582(c)(2) motion to modify his imposed term of imprisonment and reduce his sentence.

Dated: 1/25/08

Respectfully Submitted,

  
James Lampkin  
Reg. No. 03533-061  
Federal Correctional Institution  
P.O., Box 1000  
Morgantown, WV 26507-1000

MRGVU \* PROGRESS REPORT \* 11-30-2007  
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RSP OF: MRG MORGANTOWN FCI US DEPARTMENT OF JUSTICE BUREAU OF PRISONS  
 446 GREENBAG ROAD, ROUTE 857  
 MORGANTOWN, WV 26501  
 304 296-4416

NAME: LAMPKIN, JAMES M REGNO: 03533-061 AGE(DOB): 45/09-19-1962

INMATE REVIEWED/SIGNATURE	DATE	STAFF SIGNATURE
<i>James Lampkin</i>	<i>10/1/07</i>	<i>[Signature]</i>

TYPE OF PROGRESS REPORT:  
 INITIAL \_\_\_ SIH \_\_\_ TRIENNIAL ☒ PRE-RELEASE \_\_\_ TRANSFER \_\_\_ OTHER: \_\_\_

PRESENT SECURITY/CUSTODY LEVEL:  
 LOW /OUT

OFFENSE/VIOLATOR OFFENSE:  
 SENTENCE IMPOSED AND TERM OF SUPERVISION:

DISTRIBUTION OF CRACK COCAINE: T21:841(A) (1) &  
 T21:842(B) (1) (B) (III)  
 105 MONTHS / 4 YEARS

DATE COMPUTATION BEGAN: 10-29-2002

DAYS FSQT/WSGT/DGCT:	DAYS GCT OR EGT/SGT:	MONTHS SERVED:
0 /0 /0	270	+ JAIL CREDIT - INOP TIME
		M: 61 D: 2
		+ 57 JC - 0 INOP

PROJECTED RELEASE DATE: 04-16-2010 PROJECTED RELEASE METHOD: GCT REL

DETAINERS/PENDING CHARGES: NONE ON FILE

CO-DEFENDANTS: N/A

DISTRIBUTION: ORIGINAL TO INMATE, COPY TO USPO, COPY TO USPC  
 CENTRAL FILE - SECTION TWO

BP-CLASS-3

NAME: LAMPKIN, JAMES M

REGNO: 03533-061

## ----- INSTITUTIONAL ADJUSTMENT -----

Inmate Lampkin has maintained an average institutional adjustment while serving his 105-month sentence.

A. PROGRAM PLAN: During his initial classification, and subsequent program reviews, the unit team made the following recommendations: participate in the Inmate Financial Responsibility Program, enroll and complete drug programming, and participate in various education and recreation programs. Along with these programming goals, it was also recommended that he maintain clear conduct, seek Psychology Services as needed, save funds for release, and maintain the required levels of unit sanitation and personal hygiene.

B. WORK ASSIGNMENTS: Inmate Lampkin has been assigned to the job sites listed below, and has continuously received good work report ratings. When evaluating an individual's level of work performance, the following areas are rated: quality and quantity of work, initiative, interest, ability to learn, need for supervision, response to supervision, ability to work with others, and overall job proficiency.

INST	WORK ASSIGNMENT	START DATE	STOP DATE
MRG	UNICOR TMP TEMPORARY UNICOR EMPLOYEE	02-11-2007	CURRENT
MRG	CHAPEL CHAPEL	09-16-2006	02-11-2007
MRG	CONVALESCE CONVALESCE	09-11-2006	09-16-2006
MRG	CHAPEL CHAPEL	09-09-2006	09-11-2006
MRG	CONVALESCE CONVALESCE	09-05-2006	09-09-2006
MRG	CHAPEL CHAPEL	07-02-2006	09-05-2006
MRG	GENMEC1 GENMEC1	06-07-2006	07-02-2006
MRG	UNICOR CC2 UNICOR 2, 12:15 PM-3:30 PM	05-16-2006	06-07-2006
MRG	VACATION VACATION	05-11-2006	05-16-2006
MRG	UNICOR CC1 UNICOR 1, 7:45 AM-5:15 PM	03-14-2006	05-11-2006
MRG	VACATION VACATION	03-09-2006	03-14-2006
MRG	UNICOR CC1 UNICOR 1, 7:45 AM-5:15 PM	09-25-2005	03-09-2006
MRG	UNICOR TMP TEMPORARY UNICOR EMPLOYEE	08-23-2005	09-25-2005
MRG	ORD ALE ORD ALE	05-08-2005	08-23-2005
MRG	ORD RAN ORD RAN	02-13-2005	05-08-2005
MRG	A&O A&O	01-19-2005	02-01-2005
MRG	PEND CLASS PEND CLASS	01-11-2005	01-19-2005
ATL	DCU UNASSG DETENTION CENTER UNASSIGNED	01-03-2005	01-05-2005

C. EDUCATIONAL/VOCATIONAL PARTICIPATION: Inmate Lampkin has completed the classes listed below:

## ----- EDUCATION INFORMATION -----

FACL ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
MRG ESL HAS	ENGLISH PROFICIENT	03-12-2003 1430	CURRENT
MRG GED HAS	COMPLETED GED OR HS DIPLOMA	04-11-2003 1538	CURRENT

## ----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
MRG	FUNDAMENTALS OF NUTRITION EVE	07-15-2006	09-15-2006	P	C	P	12
MRG	TYPING CLASS PM 1:00-2:00	02-27-2005	05-22-2005	P	C	P	56

D. COUNSELING PROGRAMS: The court recommended he participate in drug programming. On December 30, 2003, he completed the 40-Hour Drug Education Class.